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6 Attorneys for Defendant
LOCKHEED MARTIN CORPORATION

7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 PAUL OLDS,

11 Plaintiff,

12 v.

13 3M COMPANY a/k/a MINNESOTA
14 MINING AND MANUFACTURING
COMPANY, et al.

15 Defendants.

CASE NO. CV-12-08539 R

Hon. Manuel L. Real

**EX PARTE APPLICATION AND
MEMORANDUM BY LOCKHEED
MARTIN CORPORATION FOR AN
ORDER TO CONTINUE THE
HEARING DATES FOR:**

1. **PLAINTIFF'S MOTION TO
COMPEL FURTHER RESPONSES
TO PLAINTIFF'S
INTERROGATORY NOS. 5 and 8
AND LOCKHEED MARTIN'S
REQUEST FOR MONETARY
SANCTIONS AGAINST PLAINTIFF
AND/OR PLAINTIFF'S COUNSEL
IN THE AMOUNT OF \$6,992.50;**
2. **LOCKHEED MARTIN
CORPORATION'S MOTION TO
STRIKE PORTIONS OF
PLAINTIFF'S COUNSEL'S
DECLARATION AND EXHIBIT I;
AND**
3. **PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
OF DEFENDANT LOCKHEED
MARTIN CORPORATION'S
ALLEGED GOVERNMENT
CONTRACTOR DEFENSE**

Filed: October 4, 2012

Trial Date: March 11, 2014

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Pursuant to Judge Real's Procedures and Schedules, paragraphs 5 and 6 and U.S. District Court, Central District, Local Rule 7-19, Defendant Lockheed Martin Corporation ("Lockheed Martin") applies *ex parte* for an order continuing the hearing date from July 29, 2013 to August 19, 2013, for the following motions: 1) Plaintiff's Motion To Compel Further Responses To Plaintiff's Interrogatory Nos. 5 And 8 And Lockheed Martin's Request For Monetary Sanctions Against Plaintiff And/Or Plaintiff's Counsel In The Amount Of \$6,992.50; 2) Lockheed Martin Corporation's Motion To Strike Portions Of Plaintiff's Counsel's Declaration And Exhibit I; And 3) Plaintiff's Motion For Partial Summary Judgment Of Defendant Lockheed Martin Corporation's Alleged Government Contractor Defense.

The undersigned counsel informed Plaintiff's counsel, coping all parties, that Lockheed Martin would make such an application and the grounds and authority for doing so. (Correspondence dated June 10, 2013, and receipt of service, attached to Declaration of Deborah M. Parker ("Parker Decl.") as Ex. A at p. 5.) In compliance with Judge Real's Procedures and Schedules, Lockheed Martin also informed plaintiff's counsel and copied all parties that they had twenty-four (24) hours from actual receipt of the *ex parte* application to file any opposition. (Parker Decl., ¶ 2.) Plaintiff's counsel indicated that Plaintiff would oppose the application. (Email exchange dated June 11, 2013, attached to Parker Decl. as Ex. B at p. 8.)

This application is based on the *ex parte* notice, this application, the attached memorandum of points and authorities, Declarations of Deborah M. Parker and Guy P. Glazier and exhibits, and all pertinent documents filed in this case.

Dated: June 12, 2013

/s/ Deborah M. Parker
Deborah M. Parker (SBN 228203)
Glazier Yee LLLP

Attorneys for Defendant
LOCKHEED MARTIN CORPORATION

MEMORANDUM OF POINTS AND AUTHORITIES

This Court outlines the procedure for requesting that a hearing date be continued when a conflict arises. “The parties must make the request [for a continuance] in writing by submitting either a stipulation or *ex parte* application with a proposed order for the court’s signature; alternative dates must be cleared with the court clerk before submitting the document.” (Judge Real’s Procedures and Schedules, ¶ 6); *see* L.R. 7-19. Lockheed Martin’s counsel cleared the proposed date of August 19, 2013, with Court Clerk William Horrell. (Parker Decl., ¶ 4.) Lockheed Martin has not requested any other continuance. (Parker Decl., ¶ 5.)

Plaintiff originally set his motions to be heard before Judge Real on the fourth Monday of April. (*See* Plaintiff’s Motions [Docket Nos. 229 and 230].) Because this Court hears motions on the first and third Mondays of the month, this Court continued the hearings to the first Monday of May. (Judge Real’s Minute Order [Docket Nos. 231 and 232].) Lockheed Martin filed its motion to strike to coincide with the May hearing date set by the court. (*See* Lockheed Martin’s Motion [Docket No. 235].) This Court reset the hearing date to June 3 and transferred the case to Judge O’Connell. (Judge Real’s Minute Order [Docket No. 254].) Judge O’Connell reset the hearing date to July 22 but shortly thereafter recused herself. (Judge O’Connell’s Minute Orders [Docket Nos. 257 and 259].) The case was transferred back to this Court and the hearing reset for July 29, 2013. (Judge Real’s Minute Order [Docket No. 260].)

The two Lockheed Martin attorneys (the only two attorneys in the Los Angeles office of Glazier Yee LLP) who have prepared for the hearing on the pending motions are on coordinated and scheduled and, in one instance, prepaid vacation on July 29, 2013. (Parker Decl., ¶ 7; Declaration of Guy P. Glazier, ¶¶ 2-3.) The next hearing date when the attorneys are available is August 19, 2013. In addition, Lockheed Martin will file a motion for summary judgment that addresses many of the same issues and points of law (Lockheed Martin’s immunity under the government

1 contractor defense) that are raised in Plaintiff's motion for partial summary judgment.
2 (Parker Decl., ¶ 6.) The proposed August 19, 2013 hearing date allows sufficient time
3 for Lockheed Martin to file its motion for summary judgment and promotes the
4 judicial economy of hearing on the same date motions based on the same issues and
5 points of law.

6 For the foregoing reasons, Lockheed Martin respectfully requests this court to
7 order the hearing date continued on the pending motions from July 22 to August 19,
8 2013.

9 Dated: June 12, 2013

10 /s/ Deborah M. Parker
Deborah M. Parker (SBN 228203)
11 Glazier Yee LLP

12 Attorneys for Defendant
LOCKHEED MARTIN CORPORATION
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the below noted date, the
aforementioned document was electronically filed with the Clerk of the Court of the
United States District Court, Central District of California using the ECF system which
sent notification of such filing to all counsel of record. This document is now
available for viewing and downloading from the ECF system.

Dated: June 12, 2013

/s/ Deborah M. Parker
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